

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF  
THE UNITED STATES OF  
AMERICA; FORT WORTH  
CHAMBER OF COMMERCE;  
LONGVIEW CHAMBER OF  
COMMERCE; AMERICAN  
BANKERS ASSOCIATION;  
CONSUMER BANKERS  
ASSOCIATION; and TEXAS  
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION  
BUREAU; and ROHIT CHOPRA, in his  
official capacity as Director of the Consumer  
Financial Protection Bureau,

Defendants.

Case No.: 4:24-cv-213-P

**DEFENDANTS' SUPPLEMENTAL RESPONSE TO THE MAY 13 ORDER**

Defendants hereby provide a supplemental response to the Court's May 13 order to address Plaintiffs' proposed schedule. Defendants understood the Court's order to be about what, not when. Order, ECF No. 83, at 1 ("The Court, accordingly, ORDERS both Parties to brief the Court on what the live pleadings are in this case and the current posture of such pleadings."). Plaintiffs nevertheless proposed a schedule for dispositive briefing. The rushed schedule they propose is not (i) necessary (given that Plaintiffs have received preliminary injunctive relief), (ii) feasible (given that it is not practicable to produce the administrative record when Plaintiffs propose it be provided), or (iii) sensible (given that Defendants intend to file a

motion on or before their May 28 deadline to respond to the Complaint that may obviate the need for summary judgment briefing in this Court). Plaintiffs also did not raise their proposed schedule with Defendants, though briefing and case management schedules are usually the subject of discussion among the parties, *see* Fed. R. Civ. P. 16(b), 26(f).<sup>1</sup> Consistent with the principles of comity that should govern scheduling, Defendants respectfully suggest that, if the Court intends to set a case schedule at this time, the parties be instructed to confer and report back within 7 days with a joint proposal if possible, or separate proposals if necessary.<sup>2</sup> *See Dondi Properties Corp. v. Com. Sav. & Loan Ass'n*, 121 F.R.D. 284, 288 (N.D. Tex. 1988) (en banc) (adopting standards of practice for litigation in the District, including that “[i]f a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent”).

DATED: May 16, 2024

Respectfully Submitted,

SETH FROTMAN  
*General Counsel*

STEVEN Y. BRESSLER  
*Deputy General Counsel*

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<sup>1</sup> Indeed, the parties scheduled a teleconference for the morning of May 15 to discuss a potential schedule for dispositive motions briefing—following Defendants’ counsel’s requests for such a discussion first made on April 22, and a preliminary conversation on May 13. Rather than present their proposed schedule to Defendants at that time, Plaintiffs’ counsel asked that the meeting be canceled and submitted their proposal without conferral.

<sup>2</sup> There is likewise no need, as Plaintiffs suggest, for the Court to set a schedule now for addressing the Supreme Court’s upcoming decision in *Community Financial Services Association of America, Ltd. v. CFPB* (CFSA). Defendants respectfully propose that the Court instead wait until after the Supreme Court decides CFSA to decide what additional briefing may be warranted in light of that decision. There is no reason to rush now, as the preliminary injunction remains in place unless the Court vacates it.

/s/ Justin M. Sandberg

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Chopra*

**CERTIFICATE OF SERVICE**

I hereby certify on May 16, 2024, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Justin M. Sandberg  
Justin M. Sandberg